

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

PAUL HAMMEL,

Plaintiff,

v.

EAU GALLE CHEESE FACTORY,

Case No. 02 C 0405 C

Defendant.

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Comes now Plaintiff, Paul Hammel, through undersigned counsel and moves this Court for summary judgment in his favor under Rule 56 of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 56(c) on the following issues.

1. Under the standards established in the Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 et seq, Plaintiff is a an individual with a disability because he has a physical impairment which substantially limits a major life activity.
2. Plaintiff is a qualified individual with a disability because he could perform the essential functions of his position as a general laborer at Defendant Eau Galle Cheese Factory with or without reasonable accommodations.
3. Under the ADA, Plaintiff did not pose a direct threat of injury either to himself or others at Defendant.
4. Defendant intentionally discriminated against Plaintiff on the basis of his disability, legal blindness, when it refused to consider any reasonable accommodations and then terminated him because of his disability.

5. There are no genuine issues of material fact regarding the above which Defendant can raise at trial, and therefore, Plaintiff is entitled to judgment as a matter of law.

WHEREFORE, Plaintiff prays that this Court enter summary judgment in his favor on the above grounds. In support of his motion, Plaintiff submits a Brief in support of summary judgment which is being filed simultaneously with this Motion.

Respectfully submitted, this 21st day of February, 2003.

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